

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GIGAMON INC.,

Plaintiff,

V.

APCON, INC.,

Defendant.

Civil Action No. 2:19-cv-300-JRG

JURY TRIAL DEMANDED

**JOINT MOTION TO TAKE CERTAIN DEPOSITIONS OF THIRD PARTIES
OUT OF TIME**

Gigamon, Inc. and Apcon, Inc. file this Joint Motion to Take Certain Depositions of Third Parties Out of Time. The parties are not seeking to move the trial date or the date for the filing of the pretrial order.

There remain third party depositions to be taken in this action. Subpoenas for documents and deposition testimony to Graycliff Partners, L.P. (“Graycliff”), Cascadia Capital, LLC (“Cascadia”), CenterGate Capital, L.P. (“CenterGate”), and Riverside Partners, LLC (“Riverside”) (collectively “Third Parties”) were all noticed by Gigamon on July 10, 2020. Apcon also noticed subpoenas for documents and deposition testimony to Graycliff, CenterGate, and Riverside on August 5; and to Cascadia on August 12. The deposition of Cascadia is tentatively scheduled to begin on September 15, 2020. The parties and Third Parties continue to diligently confer as to dates for depositions of Riverside and CenterGate, and will confer as to dates for the deposition of Graycliff. Accordingly, the parties respectfully request permission to schedule these depositions out of time, on or before September 25, 2020.

This request for a brief extension of time is so that justice may be done, and not for any improper purpose. The parties respectfully submit that good cause exists for allowing the Third Party depositions to occur after the close of fact discovery, subject to witness availability, up to September 25, 2020.

No additional modifications to the current schedule are necessary. A proposed order adopting the amendment is submitted herewith.

Dated: September 13, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 13, 2020.

/s/ William E. Davis, III

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